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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

KAMIL MISZTAL,

Defendant.

CASE NO. 2:22-MJ-00067-AC

STIPULATION AND ~~PROPOSED~~ ORDER FOR
EXTENSION OF TIME FOR PRELIMINARY
HEARING PURSUANT TO RULE 5.1(d) AND
EXCLUSION OF TIME

Plaintiff United States of America, by and through its attorney of record, Assistant United States Attorney Jason Hitt, and defendant Kamil Misztal, both individually and by and through his counsel of record, John Kucera, Esq., hereby stipulate as follows:

1. The Complaint in this case was filed on April 29, 2022, and defendant first appeared before a judicial officer of the Court in which the charges in this case were pending on May 12, 2022. The court set a preliminary hearing date of June 2, 2022, and later extended it to August 12, 2022, by stipulation.

2. By this stipulation, the parties jointly move for an extension of time of the preliminary hearing date to October 7, 2022, at 2:00 p.m., before the duty Magistrate Judge, pursuant to Rule 5.1(d) of the Federal Rules of Criminal Procedure. The parties stipulate that the delay is required to allow the defense reasonable time for preparation, and for the government's continuing investigation of the case. The parties further agree that the interests of justice served by granting this continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). The

1 government has provided initial disclosure in the case and it consists of written reports, photographs,
2 audio files, and related materials.

3 3. The parties agree that good cause exists for the extension of time, and that the extension
4 of time would not adversely affect the public interest in the prompt disposition of criminal cases.
5 Therefore, the parties request that the time between August 12, 2022, and October 7, 2022, be excluded
6 pursuant to 18 U.S.C. § 3161(h)(7)(B)(iv), Local Code T-4.

7
8 IT IS SO STIPULATED.

9
10 Dated: August 11, 2022

PHILLIP A. TALBERT
United States Attorney

11
12 /s/ Jason Hitt

JASON HITT

Assistant United States Attorney

13
14
15 Dated: August 11, 2022

/s/ John Kucera

JOHN KUCERA, Esq.

Counsel for Defendant

Kamil Misztal

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EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

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KAMIL MISZTAL,

Defendant.

CASE NO. 2:22-MJ-00067-AC

~~[PROPOSED]~~ ORDER GRANTING EXTENSION
OF TIME FOR PRELIMINARY HEARING
PURSUANT TO RULE 5.1(d) AND EXCLUSION
OF TIME

The Court has reviewed the stipulation of the parties in this matter requesting an extension of time of the preliminary hearing date to October 7, 2022, at 2:00 p.m., pursuant to Rule 5.1(d) of the Federal Rules of Criminal Procedure. Based upon the representations of the parties, the Court makes the following findings:

1. Good cause exists to extend the preliminary hearing set for August 12, 2022, at 2:00 p.m., before the assigned duty Magistrate Judge. Fed. R. Crim. P. Rule 5.1(d); and
2. The interests of justice served by granting this continuance outweigh the best interests of the public and the defendant in a speedy trial and time is therefore excluded from the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A), Local Code T4.

IT IS SO ORDERED.

Dated: August 11, 2022


JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE